

Court of Common Pleas

FY 2002 was a challenging year for the Court of Common Pleas. The Court faced caseload increases and budget constraints and yet continued to effectively manage its busy calendars to provide high quality public service.

The Court of Common Pleas experienced another increase in caseload in FY 2002. The Court's criminal caseload increased by 8.77%. Even more significantly, the civil caseload increased by 30.2%, the largest civil increase in sixteen years and the second year of exceptional civil caseload growth. However, the Court still managed to dispose of 90% of all civil matters within ten (10) months after the filing of the responsive pleadings.

The Court continues to experience a backlog in its criminal caseload in New Castle County. Although the appearance of AG's and PD's at JP Court 20 has reduced the number of cases coming from the City of Wilmington, the overall caseload numbers continue to rise, making it difficult for the Court to manage and creating a backlog.

The Court began a mediation (dispute resolution) program in January of 2001. In partnership with the Center for Community Justice and the Delaware Center for Justice, the Court has referred approximately 800 cases to mediation since the start of the program. This pro-



Chief Judge Alex J. Small

gram provides an alternative for criminal prosecution and it has been determined that it leaves participants with an increased sense of satisfaction about the criminal justice process.

The Court continues to operate its very successful drug diversion program, a court-supervised, comprehensive program for non-violent offenders. This voluntary program, which handles approximately 500 participants each year, includes regular appearances before a Judge,

participation in substance abuse education, drug testing and treatment, if needed. This program has been the subject of a study by the University of Pennsylvania on the role of judicial status hearings in drug court, a first study of its kind in the nation.

The Court has been an active participant in the COTS project, the Judiciary's effort to acquire a new case management system for all of the Delaware Courts. Carole Kirshner, the Court of Common Pleas Administrator, was Chair of the Uniform Case Processes Committee that worked on recommending uniform business practices for all courts and recommended that ACS be the vendor to provide an off-the-shelf case management system for the Judiciary.

COURT OF COMMON PLEAS

Consistent with the Court's goal of ensuring maximum public access, it developed a large number of materials and forms designed for self-represented litigants this year. Court materials are available providing general civil and criminal information, as well as for appeals from the JP Court, name changes, and civil and criminal motions. These materials are now available on the Court's website as well as in the New Castle County Courthouse Self-Help Center.

The move to the New Castle County Courthouse, which required months of planning and effort, represented a major change for the Court. The Court is now situated in its new space, providing a significant improvement in staff working conditions and allowing better interaction with other courts. Most important, the new building permits the Court to serve the public more effectively.



Front Row (from left to right)
 Judge Merrill C. Trader
 Chief Judge Alex J. Smalls
 Judge William C. Bradley, Jr.

Standing (left to right)
 Judge Joseph F. Flickinger, III
 Judge Charles W. Welch, III
 Judge Jay Paul James
 Judge Rosemary B. Beauregard
 Judge John K. Welch
 Judge Kenneth S. Clark, Jr.

COURT OF COMMON PLEAS

Legal Authorization

The statewide Court of Common Pleas was created by Title 10, Chapter 13 of the Delaware Code, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century; however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953.

In 1969, the three County Courts of Common Pleas became State Courts. In 1973, the three Courts merged into a single Statewide Court of Common Pleas.

In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995.

On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the state of Delaware except certain drug -related offenses. It is also responsible for all preliminary hearings. Jury trial is available to all defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles.

Judges

There are seven judges of the Court of Common Pleas, of which five are to be residents of New Castle County, one of Kent County, and one of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Chief Judge, also appointed by the Governor, serves as the administrative head of the Court during their term of appointment.

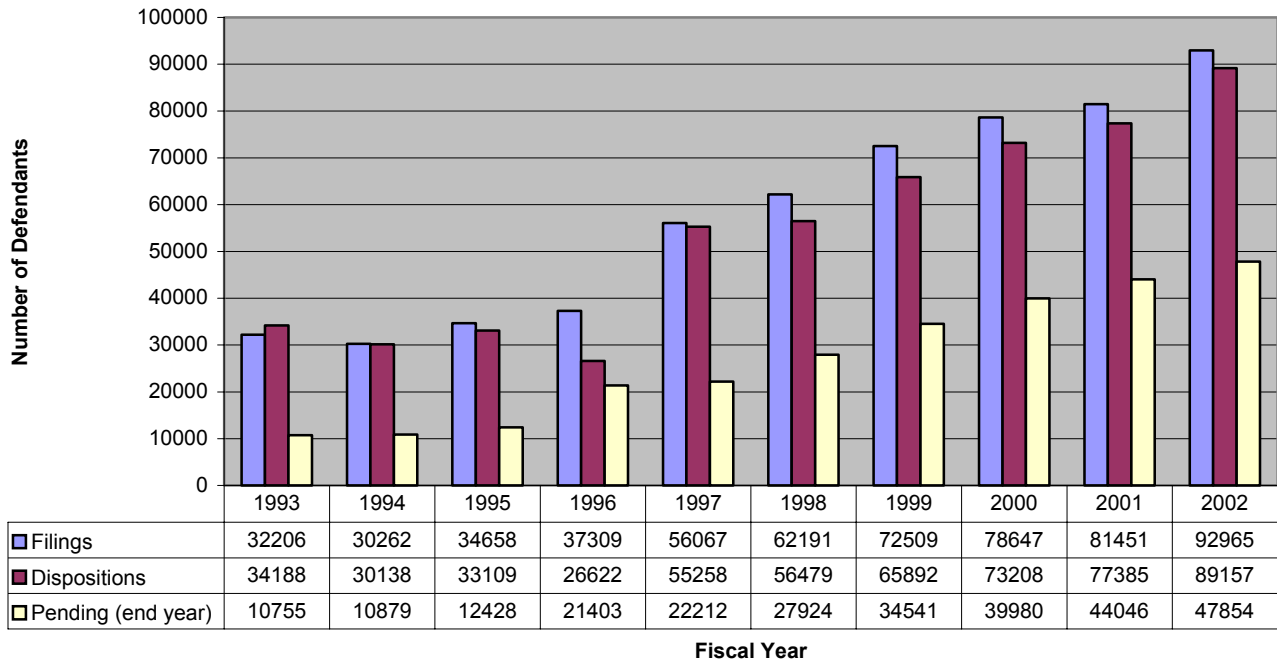
Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, and presentence officers.

COURT OF COMMON PLEAS						
Caseload Summary Fiscal Year 2002 - Total Cases						
	Pending 6/30/2001	Filings	Dispositions	Pending 6/30/2002	Change In Pending	% Change In Pending
New Castle County	31,112	49,176	47,074	33,214	+2,102	+ 6.8%
Kent County	5,785	19,563	18,510	6,838	+1,053	+18.2%
Sussex County	7,149	24,226	23,573	7,802	+ 653	+ 9.1%
State	44,046	92,965	89,157	47,854	+3,808	+ 8.6%
Caseload Comparison - Fiscal Years 2001-2002 - Total Cases Filings						
	2001	2002		Change	% Change	
New Castle County	41,126	49,176		+ 8,050	+19.6%	
Kent County	17,272	19,563		+ 2,291	+13.3%	
Sussex County	23,053	24,226		+ 1,173	+ 5.1%	
State	81,451	92,965		+11,514	+14.1%	
Caseload Comparison - Fiscal Years 2001-2002 - Total Cases Dispositions						
	2001	2002		Change	% Change	
New Castle County	37,796	47,074		+ 9,278	+24.5%	
Kent County	16,793	18,510		+ 1,717	+10.2%	
Sussex County	22,796	23,573		+ 777	+ 3.4%	
State	77,385	89,157		+11,772	+15.2%	

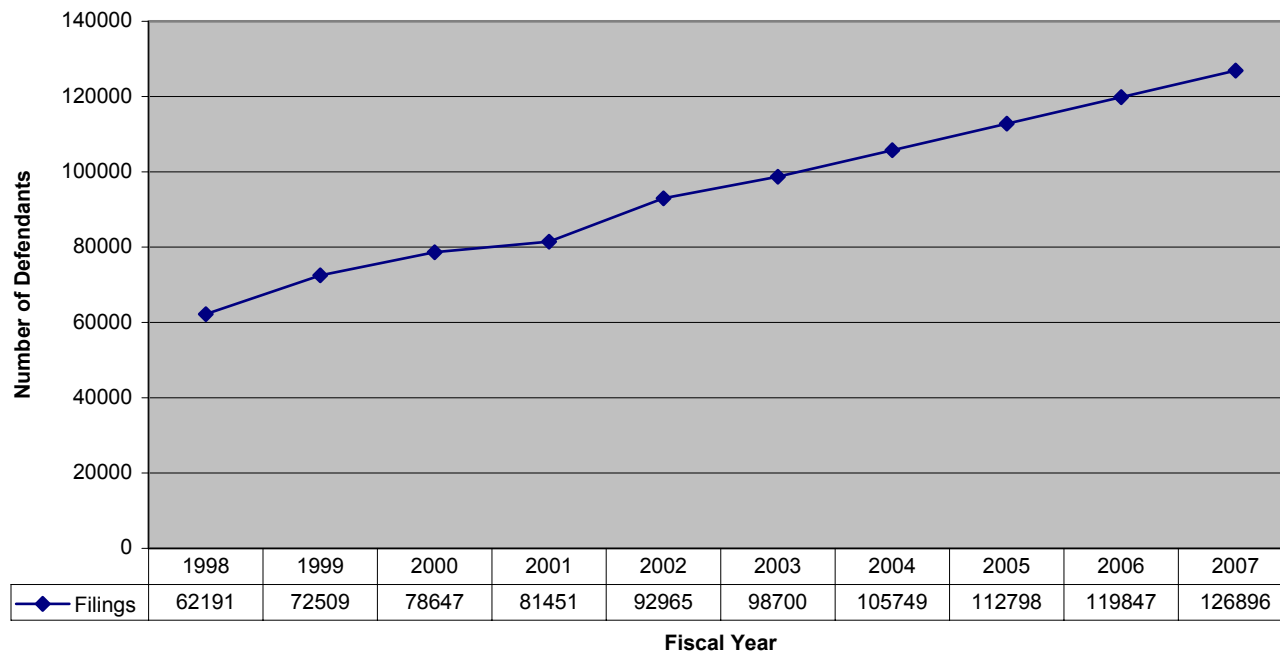
Source: Court Administrator , Court of Common Pleas; Administrative Office of the Courts.

10 Year Caseload Trend CCP Total

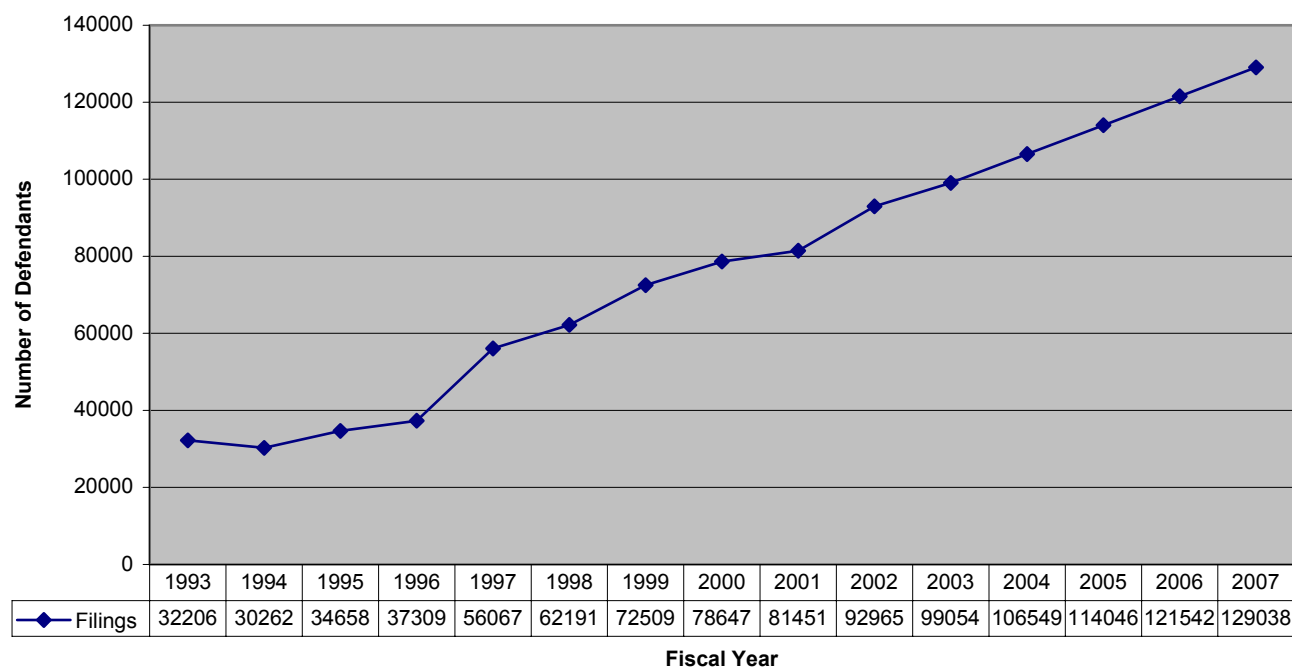


Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

5 Year Projections CCP Total Using 5 Year Base



5 Year Projections CCP Total Using 10 Year Base



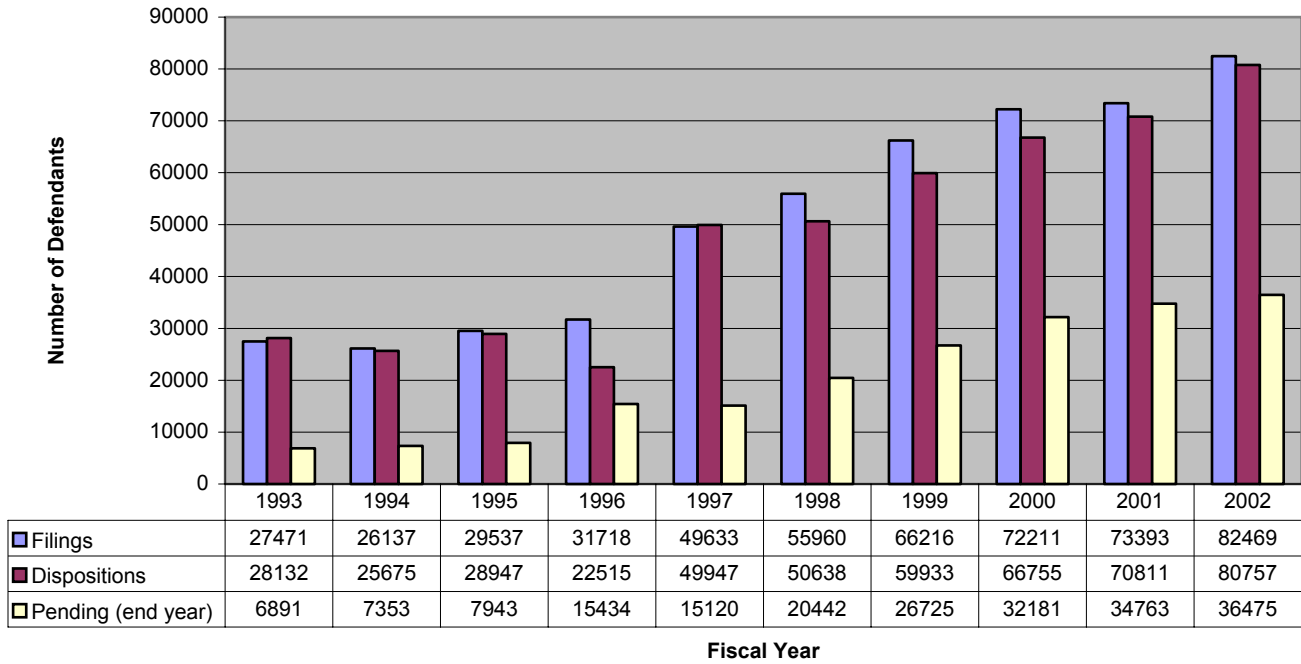
Trend lines computed by regression analysis.

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

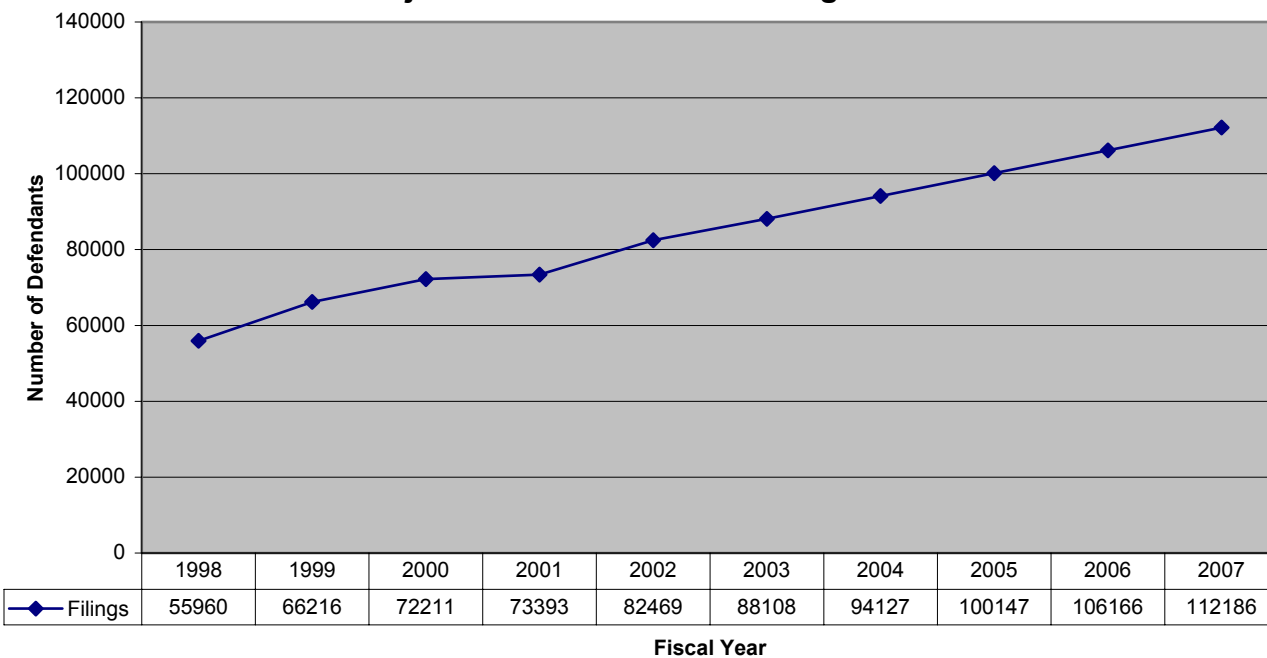
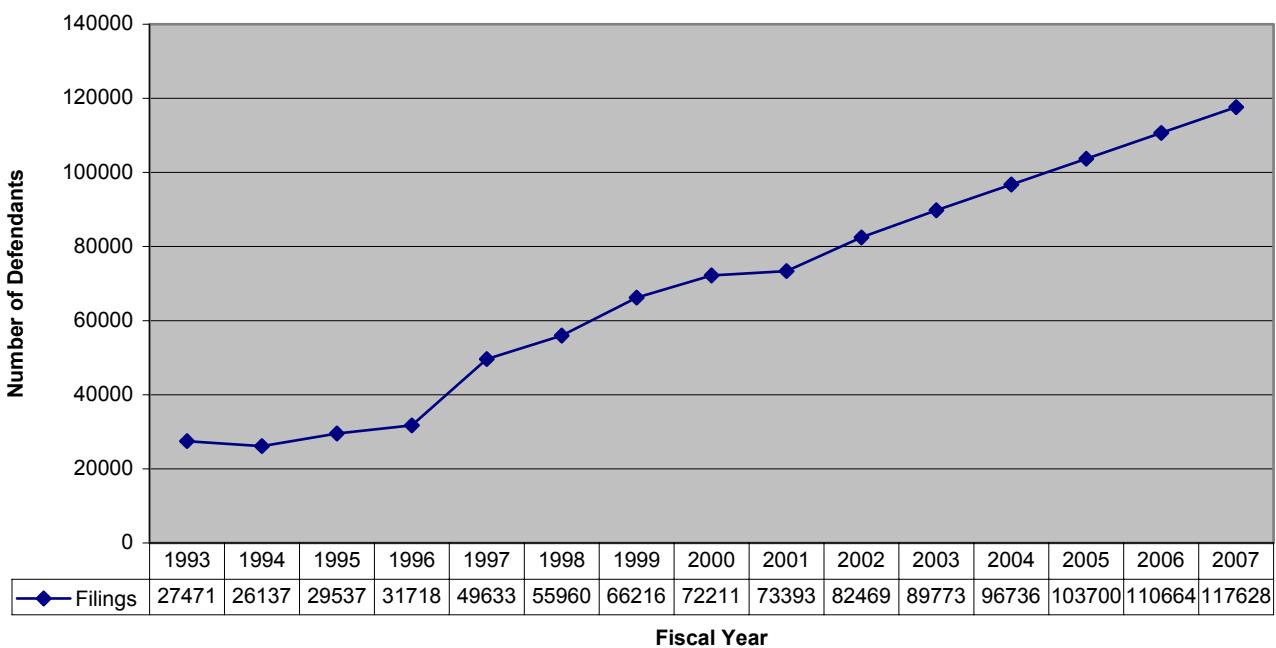
COURT OF COMMON PLEAS						
Caseload Summary Fiscal Year 2002 - Criminal Cases						
	Pending 6/30/2001	Filings	Dispositions	Pending 6/30/2002	Change In Pending	% Change In Pending
New Castle County	24,200	42,104	41,709	24,595	+ 395	+ 1.6%
Kent County	4,885	17,892	17,162	5,615	+ 730	+14.9%
Sussex County	5,678	22,473	21,886	6,265	+ 587	+10.3%
State	34,763	82,469	80,757	36,475	+1,712	+ 4.9%
Caseload Comparison - Fiscal Years 2001-2002 - Criminal Cases Filings						
	2001	2002	Change	% Change		
New Castle County	35,788	42,104	+6,316	+17.6%		
Kent County	16,005	17,892	+1,887	+11.8%		
Sussex County	21,600	22,473	+ 873	+ 4.0%		
State	73,393	82,469	+9,076	+12.4%		
Caseload Comparison - Fiscal Years 2001-2002 - Criminal Cases Dispositions						
	2001	2002	Change	% Change		
New Castle County	33,543	41,709	+8,166	+24.3%		
Kent County	15,726	17,162	+1,436	+ 9.1%		
Sussex County	21,542	21,886	+ 344	+ 1.6%		
State	70,811	80,757	+9,946	+14.0%		
Caseload Comparison - Fiscal Years 2001-2002 - Criminal Cases Preliminary Hearings Held						
	2001	2002	Change	% Change		
New Castle County	4,700	5,156	+456	+ 9.7%		
Kent County	1,520	1,571	+ 51	+ 3.4%		
Sussex County	1,396	1,635	+239	+17.1%		
State	7,616	8,362	+746	+ 9.8%		

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

10 Year Caseload Trend CCP Criminal



Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

5 Year Projections CCP Criminal Using 5 Year Base**5 Year Projections CCP Criminal Using 10 Year Base**

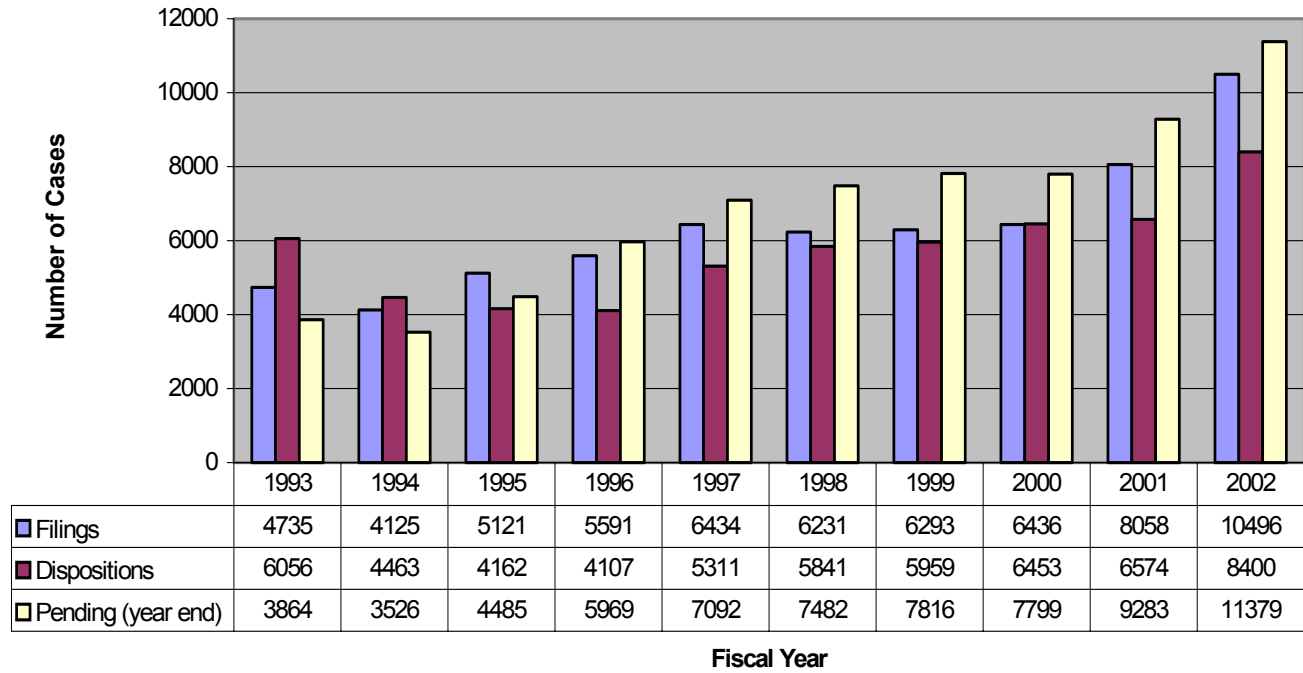
Trend lines computed by regression analysis.

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

COURT OF COMMON PLEAS							
Caseload Summary Fiscal Year 2002 - Civil Cases							
	Pending 6/30/2001	Filings	Dispositions	Pending 6/30/2002	Change In Pending		% Change In Pending
New Castle County	6,912	7,072	5,365	8,619	+1,707		+24.7%
Kent County	900	1,671	1,348	1,223	+ 323		+35.9%
Sussex County	1,471	1,753	1,687	1,537	+ 66		+ 4.5%
State	9,283	10,496	8,400	11,379	+2,096		+22.6%
Caseload Comparison - Fiscal Years 2001-2002 - Civil Cases Filings							
	2001		2002		Change		% Change
New Castle County	5,338		7,072		+1,734		+32.5%
Kent County	1,267		1,671		+ 404		+31.9%
Sussex County	1,453		1,753		+ 300		+20.6%
State	8,058		10,496		+2,438		+30.3%
Caseload Comparison - Fiscal Years 2001-2002 - Civil Cases Dispositions							
	2001		2002		Change		% Change
New Castle County	4,253		5,365		+1,112		+26.1%
Kent County	1,067		1,348		+ 281		+26.3%
Sussex County	1,254		1,687		+ 433		+34.5%
State	6,574		8,400		+1,826		+27.8%
Caseload Breakdowns Fiscal Year 2002 - Civil Cases Filings							
	Complaints		Civil Judgments, Name Changes			Total	
New Castle County	6,550	92.6%	522	7.4%		7,072	100.0%
Kent County	1,547	92.6%	124	7.4%		1,671	100.0%
Sussex County	1,605	91.6%	148	8.4%		1,753	100.0%
State	9,702	92.4%	794	7.6%		10,496	100.0%
Caseload Breakdowns Fiscal Year 2002 - Civil Cases Dispositions							
	Court Action		Counsel Action			Total	
New Castle County	1,097	20.4%	4,268	79.6%		5,365	100.0%
Kent County	309	22.9%	1,039	77.1%		1,348	100.0%
Sussex County	432	25.6%	1,255	74.4%		1,687	100.0%
State	1,838	21.9%	6,562	78.1%		8,400	100.0%

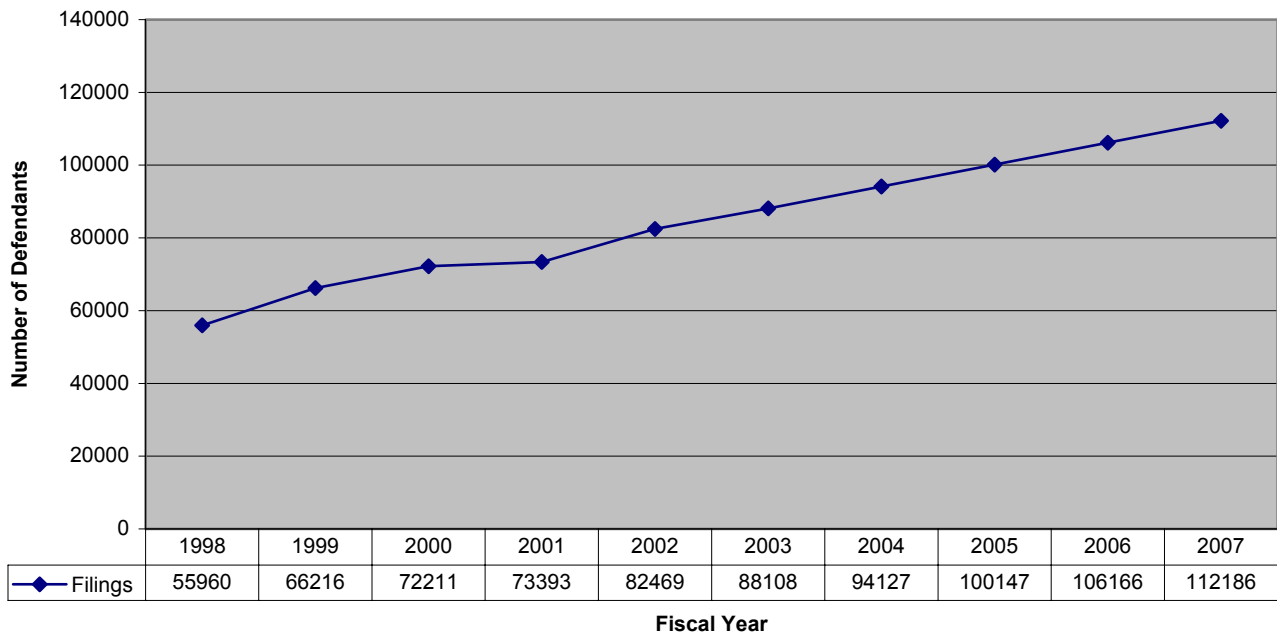
Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts.

10 Year Caseload Trend CCP Civil

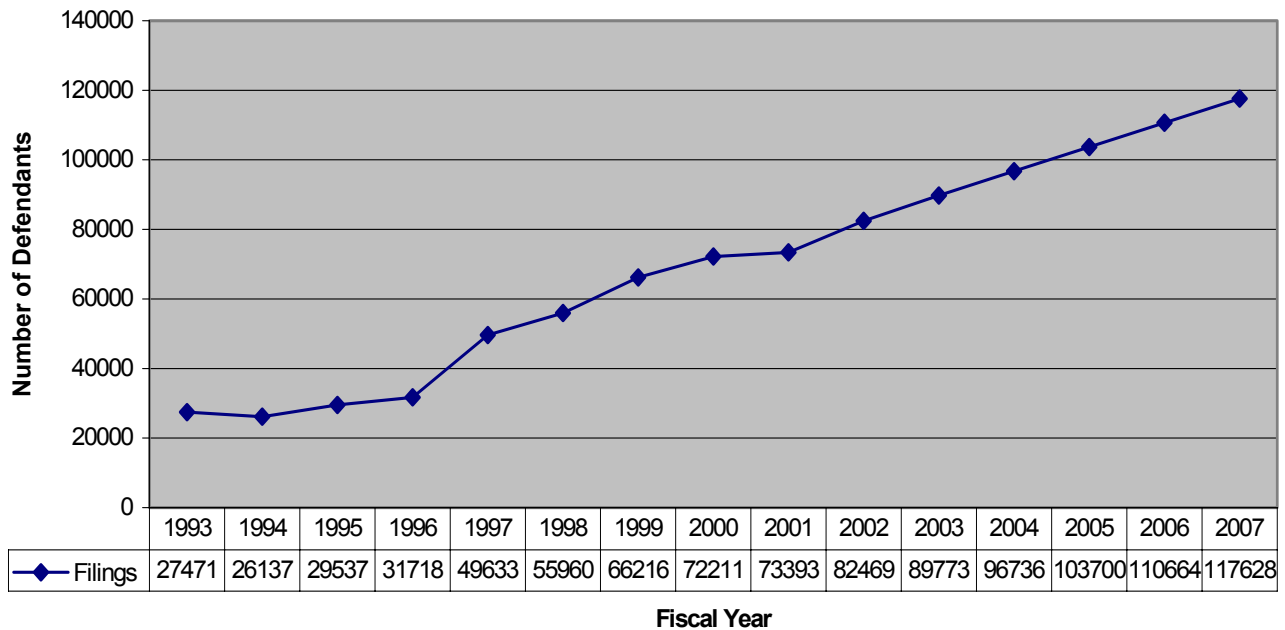


Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts

5 Year Projections CCP Criminal Using 5 Year Base



5 Year Projections CCP Criminal Using 10 Year Base



Trend lines computed by regression analysis.

Source: Court Administrator, Court of Common Pleas; Administrative Office of the Courts